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| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | PITARO, RYAN F | |
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| | | | 2174 | |

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,175

Applicant(s)

WATANABE, YOSHIAKI

Examiner

Ryan F. Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. Claims 1-27 have been examined.

Response to Amendment

2. This action is in response to Amendment A filed on 5/31/2005. Claims 26-27 were added as new. This action is Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,4,5,6,9,10,22, 24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Brennan et al ("Brennan", US 2002/0077829).

As per independent claim 1, Brennan discloses client/server system comprising a plurality of computers connected to a network, wherein: a server on the network possesses button information which is data on menu buttons operating in connection with a client application introduced into a client computer ([0033] lines 6-11), and the server has a function of transmitting the button information to the client computer ([0033] lines 23-28); and the client application comprises a program which causes the

client computer to provide a function of communicating with the server to obtain the button information from the server ([0035] lines 1-10), a function of displaying menu buttons on a display in combination with a GUI screen of the client application according to the button information obtained ([0034] lines 6-10), and a function of performing operations defined for the displayed menu buttons ([0034] lines 10-13).

As per claim 4, which is dependent on claim 1, Brennan discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server ([0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information ([0034] lines 13-14); and the button information on the menu buttons determined by the distribution button determining device is delivered to the client application ([0033] lines 24-28).

As per claim 5, which is dependent on claim 4, Brennan discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application ([0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Figure 3; *access number*); and subsequent requests from the client application to the server are provided with the user ID so as to authenticate the user ID ([0033] lines 4-6; *authentication procedure*).

As per claim 6, which is dependent on claim 1, Brennan discloses a system wherein: an effective start date and time and an effective end date and time are set as parameters for the button information ([0029] lines 1-5); and the client application

provides a function of displaying the menu buttons only during this period ([0029] lines 1-5).

As per claim 9, which is dependent on claim 6, Brennan discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server ([0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information ([0034] lines 13-14); and the button information on the menu buttons determined by the distribution button determining device is delivered to the client application ([0033] lines 24-28).

As per claim 10, which is dependent on claim 9, Brennan discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application ([0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Figure 3; *access number*); and subsequent requests from the client application to the server are provided with the user ID so as to authenticate the user ID ([0033] lines 4-6; *authentication procedure*).

As per independent claim 22, Brennan discloses a button updating method of a client application, comprising the steps of: constructing a client/server system by connecting client computers and a server together via a network (Figure 4a/4b); storing, in a menu button information database of the server, button information which is data on menu buttons operating in connection with a client application introduced into each of the client computers ([0033] lines 7-22); activating the client application to communicate

with the server to obtain button information therefrom ([0033] lines 7-22); displaying the menu buttons on a display in combination with a GUI screen of the client application according to the button information obtained; and enabling operations defined for the displayed menu buttons ([0034] lines 8-13).

As per claim 24, which is dependent on claim 22, Brennan discloses a method further comprising the steps of: activating the client application to register personal information on users who access the server, in a user personal information database of the server; determining conditions for users to whom each menu button is distributed ([0034] lines 1-8); checking the personal information on the users registered in the user personal information database against the conditions to determine menu buttons to be distributed to each user([0034] lines 8-16); and delivering button information on the determined menu buttons to the client application ([0034] lines 8-16).

As per claim 26, which is dependent on claim 1, Brennan discloses the system wherein the server automatically determines the menu button information to send to the client application ([0034]-[0035]; the customized menu is automatically sent after the client is authenticated and their profile is retrieved).

Claim 27 is similar in scope to that of claim 26, and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al ("Brennan", US 2002/0077829) in view of Freeman et al ("Freeman", US 6,828,992).

As per claim 2, which is dependent on claim 1, Brennan discloses providing information to the client application ([0033] lines 24-28), but fails to disclose an update button operated by the user to update the menu. However, Freeman teaches the GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Column 3 lines 54-61). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan with the teaching of Freeman. Motivation to do so would have been to provide the user with an up to date interface.

As per claim 7, which is dependent on claim 6, Brennan discloses providing information to the client application ([0033] lines 24-28), but fails to disclose an update button operated by the user to update the menu. However, Freeman teaches the GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Column 3 lines 54-61). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan with the teaching of Freeman. Motivation to do so would have been to provide the user with an up to date interface.

7. Claims 3,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al ("Brennan", US 2002/0077829) in view of Manolis et al ("Manolis", US 6,583,799).

As per claim 3, which is dependent on claim 1, Brennan fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan with the teaching of Manolis. Motivation to do so would have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

As per claim 8, which is dependent on claim 6, Brennan fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan with the teaching of Manolis. Motivation to do so would

have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

8. Claims 11,12,15,16,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al ("Brennan", US 2002/0077829) in view of Eleftherladis et al ("Eleftherladis" US 2002/0024539).

As per claim 11, which is dependent on claim 1, Brennan fails to distinctly point out the button information including ids and flags. However, Eleftherladis teaches a system wherein the button information includes button IDs as unique identification codes defined for the menu buttons ([0049] lines 1-3), condition flags used to determine whether the menu buttons are enabled or disabled ([0044] lines 8-10), action types which are condition flags used to determine operation of the menu buttons, and information used to identify images of the menu buttons ([0047 lines 1-9;*appearance, position, and behavior*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan with the teaching of Eleftherladis. Motivation to do so would have been to provide the current status and information of the buttons to easily distinguish each button.

As per claim 12, which is dependent on claim 11, Brennan- Eleftherladis discloses a system wherein: an effective start date and time and an effective end date and time are set as parameters for the button information (Brennan, [0029] lines 1-5); and the client application provides a function of displaying the menu buttons only during this period (Brennan, [0029] lines 1-5).

As per claim 15, which is dependent on claim 12, Brennan- Eleftherladis discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server (Brennan, [0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information (Brennan, [0034] lines 13-14); and the button information on the menu buttons determined by the distribution button determining device is delivered to the client application (Brennan, [0033] lines 24-28).

As per claim 16, which is dependent on claim 15, Brennan- Eleftherladis discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application (Brennan, [0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Brennan, Figure 3; *access number*); and subsequent requests from the client application to the server are provided with the user ID so as to authenticate the user ID (Brennan, [0033] lines 4-6; *authentication procedure*).

As per claim 19, which is dependent on claim 11, Brennan- Eleftherladis discloses a system wherein: the server comprises: a database which stores personal information on users who activate the client application to access the server (Brennan, [0033] lines 6-11); and a distribution button determining device which determines contents of the menu buttons to be distributed to the users on the basis of the users' personal information (Brennan, [0034] lines 13-14); and the button information on the

menu buttons determined by the distribution button determining device is delivered to the client application (Brennan, [0033] lines 24-28).

As per claim 20, which is dependent on claim 19, Brennan-Eleftherladis discloses a system wherein: the personal information on the users is registered in the database using an online user registering function of the client application (Brennan, [0033] lines 4-6); upon registration, each user is provided with a user ID which is a unique identification code (Brennan, Figure 3; *access number*); and subsequent requests from the client application to the server are provided with the user ID so as to authenticate the user ID (Brennan, [0033] lines 4-6; *authentication procedure*).

9. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al ("Brennan", US 2002/0077829) in view of Eleftherladis et al ("Eleftherladis" US 2002/0024539) in further view of Freeman et al ("Freeman", US 6,828,992).

As per claim 13, which is dependent on claim 12, Brennan-Eleftherladis discloses providing information to the client application ([0033] lines 24-28), but fails to disclose an update button operated by the user to update the menu. However, Freeman teaches the GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Column 3 lines 54-61). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan-Eleftherladis with the teaching of Freeman. Motivation to do so would have been to provide the user with an up to date interface.

As per claim 17, which is dependent on claim 12, Brennan-Eleftherladis discloses providing information to the client application ([0033] lines 24-28), but fails to disclose an update button operated by the user to update the menu. However, Freeman teaches the GUI screen of the client application has an update button operated by a user to instruct the menu buttons to be updated (Column 3 lines 54-61). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan-Eleftherladis with the teaching of Freeman. Motivation to do so would have been to provide the user with an up to date interface.

10. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al ("Brennan", US 2002/0077829) in view of Eleftherladis et al ("Eleftherladis" US 2002/0024539) in further view of Manolis et al ("Manolis", US 6,583,799).

As per claim 14, which is dependent on claim 12, Brennan-Eleftherladis fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan-Eleftherladis with the teaching of Manolis. Motivation to do so would have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

As per claim 18, which is dependent on claim 11, Brennan-Eleftherladis fails to disclose the application comprising an image viewer with a browsing function. However, Manolis teaches a system wherein: the client application comprises an image viewer which causes the client computer to provide an image transmitting and receiving function and an image browsing function (Figure 9); and the menu buttons are image transmitting GUI buttons for which a destination of an image is set (Figure 9; *upload and browse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan-Eleftherladis with the teaching of Manolis. Motivation to do so would have been a design choice since the environment of the menu does not affect the functionality of the personalized interface.

Claims 21,23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al ("Brennan", US 2002/0077829) in view of Eleftherladis et al ("Eleftherladis" US 2002/0024539) in further view of Humpleman et al ("Humpleman", US 6,182,094).

As per claim 21, which is dependent on claim 11, Brennan-Eleftherladis fails to disclose updating the buttons based on a comparison of the buttons. However, Humpleman teaches a system wherein: the server transmits list information on button IDs of new menu buttons to be incorporated, to the client application which has requested the current menu buttons to be updated (Column 12 lines 12-15); upon receiving the list information, the client application compares the button IDs described in the list information with the button IDs in the button information saved in a storage device of the client computer, and requests the server to obtain the button information

on the button IDs described in the list information only if these button IDs are different from the button IDs in the button information (Column 12 lines 15-21); and the server transmits the button information on the requested button IDs to the client application (Brennan, [0033] lines 24-28). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan-Eleftherladis with the teaching of Humpleman. Motivation to do so would have been to provide a way of updating without redundancy.

As per claim 23, which is dependent on claim 22, Brennan teaches transmitting information to the application ([0033] lines 24-28), but Brennan fails to distinctly point out the button information including ids and flags. However, Eleftherladis teaches a system wherein the button information includes button IDs as unique identification codes defined for the menu buttons ([0049] lines 1-3), condition flags used to determine whether the menu buttons are enabled or disabled ([0044] lines 8-10), action types which are condition flags used to determine operation of the menu buttons, and information used to identify images of the menu buttons ([0047] lines 1-9; *appearance, position, and behavior*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan with the teaching of Eleftherladis. Motivation to do so would have been to provide the current status and information of the buttons to easily distinguish each button. Brennan-Eleftherladis fails to disclose updating the buttons based on a comparison of the buttons. However, Humpleman teaches a system wherein: the server transmits list information on button IDs of new menu buttons to be incorporated, to the client application which has requested the

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current menu buttons to be updated (Column 12 lines 12-15); upon receiving the list information, the client application compares the button IDs described in the list information with the button IDs in the button information saved in a storage device of the client computer, and requests the server to obtain the button information on the button IDs described in the list information only if these button IDs are different from the button IDs in the button information (Column 12 lines 15-21); and the server transmits the button information on the requested button IDs to the client application (Brennan, [0033] lines 24-28). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan-Eleftherladis with the teaching of Humpleman. Motivation to do so would have been to provide a way of updating without redundancy.

As per claim 25, which is dependent on claim 24, Brennan teaches transmitting information to the application ([0033] lines 24-28), but Brennan fails to distinctly point out the button information including ids and flags. However, Eleftherladis teaches a system wherein the button information includes button IDs as unique identification codes defined for the menu buttons ([0049] lines 1-3), condition flags used to determine whether the menu buttons are enabled or disabled ([0044] lines 8-10), action types which are condition flags used to determine operation of the menu buttons, and information used to identify images of the menu buttons ([0047] lines 1-9; *appearance, position, and behavior*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan with the teaching of Eleftherladis. Motivation to do so would have been to provide the current status and information of the

buttons to easily distinguish each button. Brennan-Eleftherladis fails to disclose updating the buttons based on a comparison of the buttons. However, Humpleman teaches a system wherein: the server transmits list information on button IDs of new menu buttons to be incorporated, to the client application which has requested the current menu buttons to be updated (Column 12 lines 12-15); upon receiving the list information, the client application compares the button IDs described in the list information with the button IDs in the button information saved in a storage device of the client computer, and requests the server to obtain the button information on the button IDs described in the list information only if these button IDs are different from the button IDs in the button information (Column 12 lines 15-21); and the server transmits the button information on the requested button IDs to the client application (Brennan, [0033] lines 24-28). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Brennan-Eleftherladis with the teaching of Humpleman. Motivation to do so would have been to provide a way of updating without redundancy.

Response to Arguments

Applicant's arguments filed 5/31/2005 have been fully considered but they are not persuasive.

Applicant argues that Brennan et al fails to disclose all of the claim elements of claim 1. The Examiner disagrees, and further explains the previous rejection. Brennan

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teaches a server on the network that possess button information which is data on menu buttons operating in connection with a client application introduced into a client computer, and the server has a function of transmitting the button information to the client computer; (Brennan teaches a network which comprises of a client, user computer, and a server, application system, as depicted by Figure 4a. The application system holds all of the button [menu] information which correspond to the application being delivered to the user after authentication as shown in [0034] lines 6-13) the client application comprises a program which causes the client computer to provide a function of communication with the server to obtain the button information from the server (the authentication means), a function of displaying menu buttons on a display in combination with a GUI screen of the client application according to the button information obtained (the client displays a GUI based on the customer profile, which holds there specific button and menu information [0034]-[0035]), and a function of performing operations defined for the display menu buttons (Allowing the user to use the customized menus).The Examiner asserts that all of the claim limitations of claim 1 have been met for at least the reasons pointed out above.

Regarding claim 22, the Applicant argues that Brennan et al fails to teach activating the client application to communicate with the server to obtain button information. The Examiner disagrees since the authentication describes communicating with the server to obtain the appropriate customized menu information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP



SY D. LUU
PRIMARY EXAMINER